

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JANUARY 9, 2003
9 A.M.**

Commissioners Present: Bob Workman, Chair
Bernie Heier, Vice Chair
Larry Hudkins
Ray Stevens
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Staff Meeting was called to order at 9:07 a.m.

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
DECEMBER 19, 2002**

MOTION: Hudkins moved and Stevens seconded approval of the Staff Meeting minutes of December 19, 2002. Hudkins, Heier, Workman, Stevens and Schorr voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

A. Coverage for Dr. Baldwin at the Community Mental Health Center

MOTION: Heier moved and Stevens seconded approval of the addition to the agenda. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

3 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, gave a legislative update (Exhibit A), noting selection of committee leadership and membership.

Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates, requested direction on how to draft a bill relating to the nudity and ultimate fighting issue and County regulation of these activities by ordinance/resolution.

Kissel recommended using the first class city model (see Exhibit A), as it provides more flexibility.

Prenda noted that the legislation will mean additional duties for the County Attorney, which could have a budget impact.

MOTION: Heier moved and Stevens seconded to authorize Gordon Kissel, Legislative Consultant, to work with the County Attorney's Office in drafting legislation that incorporates the powers of a first class city. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

4 PENDING LITIGATION - Doug Cyr and Dave Johnson, Deputy County Attorneys; Sue Eckley, Workers' Compensation & Risk Management Manager

MOTION: Heier moved and Hudkins seconded to enter Executive Session at 9:32 a.m. for discussion of pending litigation. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

MOTION: Stevens moved and Hudkins seconded to exit Executive Session at 10:03 a.m. Stevens, Workman, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

Schorr returned to the meeting at 10:08 a.m.

ADDITIONS TO THE AGENDA

B. Register of Deeds Signatory

MOTION: Heier moved and Stevens seconded approval of the addition to the agenda. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

Norm Agena, County Assessor/Register of Deeds, appeared and informed the Board that the former Register of Deeds had a checking account at Cornhusker Bank. He recommended that the County close the account and deposit the funds with the County Treasurer.

Mike Thew, Chief Deputy County Attorney, appeared and said the County needs to notify the bank that the former Register of Deeds and his deputy are no longer authorized signatories on the account.

MOTION: Stevens moved and Heier seconded to authorize the County Assessor/Register of Deeds and the County Attorney to draft a letter to Cornhusker Bank, for the Chair's signature, apprising the bank that: 1) The former Register of Deeds and his deputy are no longer authorized signatories on the account; 2) The County is closing the account; 3) Directing the funds to be deposited with the County Treasurer. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

Hudkins asked that Dave Kroeker, Budget and Fiscal Officer, be apprised of the Board's action.

5 SPACE FOR INFORMAL PROTEST HEARINGS (BOARD OF EQUALIZATION) - Norm Agena, County Assessor/Register of Deeds; Rob Ogden, Chief Field Deputy Assessor/Register of Deeds

Norm Agena, County Assessor/Register of Deeds, said he plans to hold preliminary property valuation protest hearings from February 18, 2003 through March 30, 2003 and requested the use of four County Board offices.

Hudkins suggested use of office space in the 9th & "J" Building or Trabert Hall.

Agena agreed to explore those options.

6 ACTION ITEMS

- A. Authorization to Pay for Appreciation Awards for Kathy Campbell, Former County Commissioner (\$66.40) and Dee Lee, Election Commission (\$65.90)

MOTION: Hudkins moved and Heier seconded approval. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- B. Computer Request from Records Management, \$1,515.96 from the Microcomputer Fund for a Compaq EVO Pentium IV, Software and Upgrade for Existing PC

Item held.

- C. Inclusion of Safety Flyer with the January 16, 2003 Paychecks

MOTION: Stevens moved and Hudkins seconded to allow inclusion of a safety flyer with paychecks for a twelve month period, at a rate of every other month, provided that the flyers are provided to the Board for review two weeks prior to distribution. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

- D. Authorization to Proceed with Update of Jury Commissioner Management System (\$29,500)

MOTION: Stevens moved and Hudkins seconded to authorize Information Services to proceed with the update. Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

- E. City-County Common Agenda Items

There were no additions.

- F. Attendance at Nebraska Association of County Officials (NACO) County Board Workshop (February 5-7, 2003 in Kearney, Nebraska)

Workman, Heier and Hudkins indicated that they plan to attend the workshop. Schorr indicated that she tentatively plans to attend.

Board consensus was to cancel a Staff Meeting scheduled for Thursday, February 6, 2003 and to hold a Staff Meeting on Tuesday, February 4, 2003 instead.

ADDITIONS TO THE AGENDA

- A. Coverage for Dr. Baldwin at the Community Mental Health Center

The Board reviewed a memorandum from Dean Settle, Community Mental Health Center Director, requesting an increase in the nurse practitioner's hours from 12 to 18 hours per week to address Dr. Baldwin's caseload while he is on medical leave (Exhibit B).

The Board will take action on this matter at the January 14, 2003 County Board of Commissioners Meeting.

7 ADMINISTRATIVE OFFICER REPORT

A. Terrorism Insurance Coverage

Sue Eckley, Workers' Compensation & Risk Management Manager, appeared and recommended that the County not purchase the insurance as it is being offered by the general liability insurer but is excluded under general liability coverage.

MOTION: Heier moved and Stevens seconded to decline the insurance coverage. Workman, Stevens, Heier, Hudkins and Schorr voted aye. Motion carried.

B. Report on Meeting with Kathy Kelley, Chief Administrative Officer, and Steve Walker, Budget and Fiscal Officer, for Douglas County

Eagan said discussion focused on General Assistance (GA) and budgetary concerns. He recommended that the Board explore the possibility of having Douglas County do Lancaster County's Medicaid pricing.

C. Property Tax Administrator's Annual Course of Training (February 10-11, 2003 in Kearney, Nebraska)

The Board scheduled Board of Equalization training on February 25, 2003 at 9 a.m.

D. County Board Training and Department Tours

The Board will tour departments on March 4, 2003 at 10 a.m. and March 11, 2003 at 9 a.m.

E. Committee Assignments

The Board reviewed a list of committee assignments (see agenda packet) and made tentative changes. Further discussion was scheduled on the January 16, 2003 Staff Meeting agenda.

F. Nomination for Hometown Security Study Committee

Board consensus to offer the name of Jim Densberger, Lancaster County Firefighters Association.

- G. Letter to the Nebraska Department of Environmental Quality Regarding Phase II National Pollutant Discharge Elimination System (NPDES) Regulations

Board consensus was to send the letter (see agenda packet).

- H. Appointment of Kerry Eagan, Chief Administrative Officer, to Review Committee for Build-Through Consultant Request for Proposals (RFP)

Heier noted that the Board had agreed to participate in funding of the Build-Through Design Standards Study, provided that the County served as lead for the study.

Hudkins questioned why the Board was not involved in drafting the Request for Proposals (RFP) and determining who should be asked to serve on the Review Committee.

Eagan said he will obtain a copy of the RFP and circulate it to Board members.

Heier questioned whether the study will lead to impact fees in the County, noting inclusion of the following language in the Lincoln and Lancaster County 2025 Comprehensive Plan: *When the independent study to quantify and qualify the positive and negative economics of acreage development is completed, the county should determine if an impact fee or other development exactions are needed to be sure that acreage development is paying its "fair share" of costs.* He said he would like to see this language amended.

MOTION: Heier moved and Hudkins second to appoint Kerry Eagan, Chief Administrative Officer; Duncan Ross, Planning Department; Larry Worrell, County Surveyor (via Doug Pillard, County Engineering); and Nicole Fleck-Tooze and Dennis Bartels, City Public Works/Utilities, to the Build-Through Consultant Request for Proposals (RFP) Review Committee, with the understanding that the Board may place more members on the committee. Heier and Hudkins voted aye. Stevens, Workman and Schorr voted no. Motion failed.

MOTION: Hudkins moved and Stevens seconded to delay the item for one week and to schedule further discussion with Marvin Krout, Planning Director, and Mike DeKalb, Planning Department. Stevens, Workman, Hudkins and Schorr voted aye. Heir voted no. Motion carried.

I. Travel Refund from American Airlines (\$305)

MOTION: Heier moved and Hudkins seconded to authorize the Sheriff's Office to use the travel refund for extradition. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

J. Jake Brakes Update

Heier reported that Dave Johnson, Deputy County Attorney, is still working on the matter.

K. Mechanical and Plumbing Trade Licensure in the County

MOTION: Hudkins moved and Heier seconded to direct Kerry Eagan, Chief Administrative Officer, to draft a letter to the Building and Safety Department, for Board review at the January 16, 2003 Staff Meeting, stating that the Board does not want licensure of the mechanical and plumbing trade in the County or code enforcement for existing buildings on existing farms. Stevens, Schorr, Heier, Hudkins and Workman voted aye. Motion carried.

L. Cost Over-Runs with State Probation Contract for Electronic Monitoring

Dave Johnson, Deputy County Attorney, explained that there is a cost over-run for one of the interlocal agreements with State Probation involving the Drug Court and unexpended funds for the electronic monitoring contract.

MOTION: Stevens moved and Heier seconded to authorize Dave Johnson, Deputy County Attorney, to draft an amendment to the State Probation contract for Drug Court and to send a letter to State Probation requesting refund of the unexpended funds for the electronic monitoring contract. Hudkins, Schorr, Heier, Workman and Stevens voted aye. Motion carried.

M. County Board Staff Meeting on Tuesday, January 14, 2003 at 10 a.m.

Board consensus was to reschedule the meeting to Tuesday, January 21, 2003 at 9 a.m.

- N. Appointment of Representative to Area 5 Agricultural and Horticultural Land Valuation Board (AHLVB)

MOTION: Stevens moved and Heier seconded to appoint Commissioner Hudkins to serve as the Board's representative. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- O. Lincoln Independent Business Association (LIBA) Breakfast Schedule

The Board scheduled attendance as follows:

January 28, 2003 - Heier, Hudkins
February 25, 2003 - Workman, Stevens
March 25, 2003 - Schorr, Hudkins
April 29, 2003 - Heier, Workman
May 27, 2003 - Stevens, Schorr
June 24, 2003 - Hudkins, Workman
July 29, 2003 - Heier, Stevens
August 26, 2003 - Schorr, Workman
September 30, 2003 - Hudkins, Stevens
October 28, 2003 - Heier, Schorr
November 24, 2003 - Workman, Heier

- P. Letter from Bryan/LGH Health System

Eagan reviewed a letter from Bryan/LGH Health System defining issues with the County that it would like to see addressed.

Board consensus was to 1) Notify Bryan/LGH Health System that Lancaster County is seeking legislation to authorize payment at the Medicaid rate for prisoners in custody in the jail; 2) Ask Don Killeen, County Property Manager, and Dean Settle, Community Mental Health Center Director, to review the parking situation and try to work out a solution with Bryan/LGH Health System; and 3) Discuss payment of radiology services for the County Coroner with the County Attorney.

- Q. Projects for Assistance in Transition from Homelessness (PATH) Contract with Region V

Mike Thew, Chief Deputy County Attorney, appeared and said his office received direction at the January 7, 2003 Board of Commissioners Meeting to seek an Attorney General's opinion with regards to the Public Counsel issue. He questioned the necessity of doing so, as the issue of whether to submit to the jurisdiction of Public Counsel is a policy decision.

Dave Johnson, Deputy County Attorney, said Kim Michael, Region V Operations Director, has indicated that the State is not willing to remove this clause from the contract. He said it would also be beneficial to know what Dean Settle's (Community Mental Health Center Director) position is on the matter.

Eagan noted that the County has already provided approximately four months of services.

MOTION: Hudkins moved and Heier seconded to authorize the County Attorney's Office to try to negotiate the issue with Region V Services, Nebraska Department of Health and Human Services (HHS) and Dean Settle, Community Mental Health Center Director, with the understanding that the County Board will not sign the contract until the issue is resolved to the satisfaction of the County Attorney's Office.

FRIENDLY AMENDMENT: The seconder offered a friendly amendment to make Dave Merrill, Interim Director, the contact person for Region V Services.

The maker of the motion agreed to the friendly amendment.

ON CALL: Stevens, Workman, Heier, Hudkins and Schorr voted aye. Motion carried.

8 DISCUSSION OF BOARD MEMBER MEETINGS

A. Floodplain Task Force - Heier

Heier said items discussed were technical in nature.

B. Lincoln Partnership for Economic Development (LPED) Investors - Workman

Workman said there was a presentation by John Jacobsen, Universal Cold Storage.

C. Parks & Recreation Advisory Board - Schorr

Schorr reported that there was a presentation on the Antelope Valley Project and discussion of the public space.

D. Nebraska Association of County Officials (NACO) - Hudkins

Hudkins reported on a meeting held to discuss creation of a County Board affiliate organization (Exhibit C).

9 ADJOURNMENT

MOTION: Schorr moved and Stevens seconded to adjourn the meeting at 12:34 p.m. Schorr, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

Bruce Medcalf
County Clerk